UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIELLE BITON,

Plaintiff,

- against -

WILMER HILL GRIER, Esq.; FELIX NGATI, Esq.; ELIOTT SUTTON; ANDREW M. CUOMO, Esq.; MICHAEL RUBLOWSKY, Esq.; JOHN XIE, Esq.; SCOTT HORY "INDEPENDENT" Esq; KELLY MORRISON-LEE "INDEPENDENT" Esq.; JOHN DOES, UAL; AFL-CIO/AFA; PENSION BENEFITS GUARANTY CORPORATION; COOK COUNTY HOSPITAL; BLUE CROSS/BLUE SHIELD OF ILLINOIS; RYAN NENA,

Defendants.

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NOT FOR PRINT OR ELECTRONIC PUBLICATION

MEMORANDUM & ORDER

09-CV-05375 (CBA) (VVP)

AMON, Chief United States District Judge.

Plaintiff Danielle Biton, appearing pro se, filed this action on November 20, 2009. By Order dated February 22, 2010, this Court dismissed the complaint as frivolous. (DE #4.) By Mandate issued on January 6, 2012, the United States Court of Appeals for the Second Circuit dismissed the appeal. (DE #9.) By submission filed December 28, 2012, Biton moves for reconsideration of the Court's Order dismissing her case.[1] The motion is denied.

The standard for granting a motion to reconsider under either Rule 60(b) of the Federal Rules of Civil Procedure or Local Civil Rule 6.3 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York is a strict one. Indeed, a district court will generally deny reconsideration unless the moving party can point to either "controlling decisions or data that the court overlooked—matters that might reasonably be expected to alter

[1] Although entered after Biton filed the instant motion, the Court notes in addition that by Order dated February 28, 2013, Biton was enjoined from filing any further in forma pauperis actions in the Federal Court for the Eastern District of New York without first obtaining permission from the Court to do so. See Biton v. Prime Minster of Israel, No. 12-CV-5234; Biton v. Washington Dulles Airport Auth., No. 12-CV-5331; Biton v. Aventura, No. 12-CV-5246.

the conclusion reached by the court." Lora v. O'Heaney, 602 F.3d 106, 111 (2d Cir. 2010) (quoting Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)) (internal quotation marks omitted).

Biton's current submission fails to allege any controlling legal arguments or facts that this Court overlooked or that would otherwise lead this Court to alter its conclusion that her case must be dismissed. Instead, the motion consists largely of indecipherable and delusional allegations of various conspiracies and fraud perpetrated against her and her family which do nothing to assist the Court in determining what possible claims that she is attempting to assert. As this Court concluded in its original dismissal of her complaint, Biton's claims are unsupported and frivolous, "an irrational assemblage of verbiage," and her recent submission provides no basis for altering that conclusion. (DE #4 at 2.)

CONCLUSION

Accordingly, Biton's motion for reconsideration is denied. In light of Biton's extensive history of vexatious and frivolous litigation, the Court takes this opportunity to reiterate its warning that it will not tolerate her frivolous filings and reminds her that she is enjoined from filing any future in forma pauperis complaints in the Federal Court for the Eastern District of New York without first obtaining leave of the Court. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
April 4, 2013

/S/ Chief Judge Carol B. Amon

Carol Bagley Amon
Chief United States District Judge